Bombay Gazette.

VOLUME XL.] WEDNESDAY, JUNE 24TH, 1829. [NUMBER 2,038.

NOTICE.

THAT the Supplies required for the use of the Gun Carriage Department will be disposed of by public competition on Friday the 26th Inst. at noon at the Assistant Commissary's Office. The list of articles required may be seen on application.

By Order
F. RYBOT,
Assist. Comy.

BOMBAY.
18TH JUNE,
Assistant Commissary's Office.

ज्याहिर खबर

ऐसिजे शुक्रवारिं चालते म हिन्याचे २६ वें तारखेस दुपा रिं आसिसष्टेनट् कमिसारियांचें अफिसांत गनक्यारायज् डिपार्ट मेंट यास सामान लागेल तें घे याचे लेलांव होइल

सामान पाहिजे त्याचि या द मागितल्यावर पाह्याला सां पडेल

थफ रैबोट्
आसिसष्टेनट कमि
सारि
याचे हुकुमाने

मुंबइ ता। १८ जुन
आसिसष्टेनट कमिसा
रि याचे अफिस्

Wines for Sale
AT THE
GODOWNS
OF
MESSRS. RANKEN & SAUNDERS
In half Chests and Quarter Cases, Some Superior parcels by the late Arrivals.

LONDON Bottled Sherry, from BUTLER and SONS, HARPER and BELL and D. MACKELLAR and Co.....	Rs.	22 per dozen
Ditto Old Port Wine, from MAXWELL and KEY's, HARPER and BELL, BUTLER and SONS D. MACKELLAR and Co. and STEPHENSN and HEDGHAWS.....	"	20@24 ditto
Ditto ditto in Pints..	"	15 "
London Particular Madeira, 3 years in Bottle..	"	24 per dozen
Very fine Old Teneriffe.....	"	16 "
Sparkling White Champaigne.....	"	35 @ 50
Frontignac.....	"	20 "
Sercial in Pints.....	"	18 "
Claret (MAXWELL and KEY's) 1st Growth...	"	40 "
Ditto from other houses	"	35 "
Ditto HARPER and BELL's 2d Growth.....	"	25 @ 30
Real Cognac Brandy in Casks of 30 Gallons imported direct from France to order.....	"	3½ per Gallon
Ditto in Bottle.....	"	12 per dozen
Hollands in Chests Contg. 15 Bottles.....	"	30 per Chest
Ditto half do " 12 "	"	15 per do.
Genuine Highland Whiskey.....	"	30 per dozen
French Claret.....	"	18 "

Bombay, 24th June, 1829.

Higgs & Briggs
WILL SELL
BY AUCTION
To-Morrow the 25th Inst.
GLASS WARE.

CONSISTING of Cut glass Tumblers, Wine Coolers Finger Cups, Jelly and Custard Glasses, Richly cut Butter and Sugar Pots, Hookah Bottoms, Plated Cruet Stands, Cut and plain Spare Shades, Chimnies, Long and Short Stem, Burners, Coarse Grey Cloth, Cotton Yarn, Black Beaver Hats &c.

AT 1 o'CLOCK
A Serviceable Dennet Buggy.
Meadows Street, 24th June, 1829,

Higgs and Briggs
WILL SELL
BY AUCTION,
To-morrow the 25th Instant.

SEVERAL Double Barrel Fowling Pieces, Detonating Copper Caps.
AND AT 12 o'CLOCK
A Pipe of Port Wine containing about 117 Gallons.
Meadows Street, 24th June, 1829.

Higgs and Briggs
HAVE FOR SALE
ON COMMISSION

THE Edinburgh Review containing 86 Numbers in 43 Volumns Bound. Being up to the year 1826.
PRICE RS. 100,
Meadows Street, 24th June, 1829.

NOTICE.

IT is particularly requested that such Gentlemen as stand indebted to the Firm of Higgs and Briggs will have the kindness to make arrangements for the liquidation of the same, as early as practicable, so as to enable the Firm to close the accounts; the Firm will until further notice be conducted as hitherto for the benefit of the Widow and Family.

Meadows Street, 24th June, 1829.

FOR SALE
Broadwood's Piano-Fortes.

ENQUIRE of NANABHOY FRAMJEE at the Office of Messrs. RANKEN and SAUNDERS.
Bombay, 24th June, 1829.

A CARD.

THOMAS McCARTHY Esq. continues to receive Pupils in the BOMBAY COMMERCIAL AND MATHEMATICAL ACADEMY near Breach Candy.—Terms as per former Advertisements.
Crow's Nest, Breach Candy, 24th June, 1829

SECOND
CALCUTTA LOTTERY
OF 1829.

TICKETS in the above Lottery are for Sale at Messrs. REMINGTON CRAWFORD AND CO's Office. At Rupees 120 each.
Bombay, 24th June, 1829.

FOR SALE.

ASHBY'S BEER of the October brewing, now landing from the Brig *Janet* will be sold in quantities not under 4 Hhds. at 90 Rs. per Hhd.
Apply to ARDASEER NASSERWANJEE, at the Godowns of Messrs. ADAM, SKINNER AND CO.

BY PUBLIC AUCTION.
THIS DAY;
Wednesday the 24th Inst.
FRITH
Bomanjee & Co.
WILL SELL
AT THEIR ROOMS.

AN Invoice of Hard Ware comprizing Brass and Chamber Candlesticks, Hand Saws, Padloks, with an assortment of damaged Table Cutlery, Penknives, Scissors &c. several Casks of rejected Pale Ale, a few Bales of British Canvas, Nos. 5, 6, 7, & 8, Brandy Bitters &c. &c.

AND AT NOON,
A pair of very superior Guzerat Bullocks, a Chariot and pair of Horses, and a Saddle Horse with any other Cattle that may offer.
Meadows Street, 24th June, 1829.

ON COMMISSION
AT
FRITH
Bomanjee and Co's.

A VARIETY of plain and coloured Prints consisting of Sporting pieces, Marine views &c. &c. in hands ome gilt, and Wooden Frames.
An Assortment of Superb Jewellery imported per H. C. S. *Buckinghamshire*, consisting of Elegant suits of Jewels, Earrings &c.
Superior Block Tin Dish Covers, in sets of six.
A variety of Argand Dome Pedestal Lamps, with spare Shades, Cotton Chimneys, &c. an assortment of Carriage, Buggy, Jockey and Lady's Riding Whips, Patent Silver Pencil Cases, Eye Glasses, Mourning Jewellery, Buggy and Palanquin Lamps, and a great variety of articles.

FOR SALE
ON COMMISSION
AT
FRITH
Bomanjee and Co's.
A STYLISH CHESNUT
BUGGY HORSE
well broke in, Rupees 600,
ALSO
A VERY HIGH CAST BAY
ARAB HORSE,
NEAR 14-2 high, four years old, a shewy, quiet animal for Saddle or Buggy.....Rs. 600

FOR SALE.

A PAIR of capital large Grey Carriage Horses, aged, run remarkably well together. For particulars apply to FRITH, BOMANJEE AND CO.

HODGSONS RIPE PALE ALE,

FOR Sale at 9 Rupees per Dezen, and Sim's Beer at 7 ditto, at the Godowns of FRITH BOMANJEE AND CO.

Cawasjee & Hormusjee Jewajee.

BEGS leave to inform their Friends and the public, that they have this day, exposed for Sale, at their Shop, near Messrs. WOOLER & Co's a Small assortment of Fashionable, and highly finished JEWELLERY, just imported by one of the H. C. Ships.—well deserving the attention of Ladies and Gentlemen.—
Bombay, 24th June, 1829.

WOOLER AND CO.
HAVE JUST RECEIVED
A Small Asssortment of

KITCHEN and Flower Garden SEEDS, together with a Selection of Bulbs, fresh from the Cape.
ALSO
Kidney Beans, Marrowfat and Imperial Blue Peas.
Bombay, 24th June, 1829.

Advertisement.
Pestonjee Ruttonjee.

BEGS leave to inform his Friends and the Public at large, particularly those of the Presidency and Outstations that he has purchased from CAPTAIN RUCAPEL of the French Ship *Cecilia*, the following excellent Wines, which he exposes for sale at his Godown under the Dummachar Office, near the Kings Barracks, consisting of Sauterne, Vin DeGrave, Chatteau Margaux, Lafitte, Chatteau Moton, St. Julian, St. Stephen, Haut Saltu, Haut Brion, and Barsac, in cases of one Dozen each at 8 Rupees per Dozen; also a few Dozen of French Brandy, called the Champaigne Cognac at 12 Rupees per Dozen.—
TERMS CASH.
Bombay, 24th June, 1829.

BUNGALOW
FOR SALE.

AT POONAH situated in the Native Lines, and may be entered on immediately. This Bungalow is in the most thorough repair, it has every convenience attached to it, and stands in the centre of a good piece of Garden Ground.
PRICE RUPEES 1000.
Applications for further particulars may be made to Lieut. BRADFORD, 13th Regt. N. I. Poonah, or to the EDITOR OF THE BOMBAY GAZETTE,
Bombay, 24th June, 1829.

SECOND
CALCUTTA LOTTERY
OF 1829.

TICKETS in the above Lottery are for sale at Messrs. SHOTTON and CO's Office, at Rs. 120 each, Cash.
Bombay, 24th June, 1829.

NOTICES.
FOR SALE
at the Gazette Office.

The 1st, 2nd, & 3rd Parts of Maryat's
CODE OF SIGNALS,
For the Merchant's Service.

LITHOGRAPHED on fine English letter paper, from the latest London Edition, the numbers carried up to 9876.
IN A VERY NEAT BINDING,
PRICE RUPEES TEN.
Bombay, Gazette Office, 24th June, 1829.

FOR SALE, at the Gazette Office, the following Printed Works, Forms, &c.

	Rs.	Qr.
BOMBAY Register & Directory for 1829.....	5	"
Ditto...Ditto...Ditto...Hf. Bd.....	7	"
Articles of War.....	5	"
Ship's Articles on Royal Paper.....	2	"
Respondentia Bonds each.....	1	"
Policies of Insurance do.....	1	"
Sheet Almanac for 1829.....	1	"
Bills of Exchange, per sett.....	"	2
Interest Bonds....do.....	"	2
Bills of Lading....do.....	"	2
Powers of Attorney, each.....	"	2

LETTER PRESS PRINTING neatly executed, on moderate terms.

FOR SALE, at the Gazette Office, Lithographed copies of the
REVISED TARIFF,
And tables of the value of Currency, receivable in payment of the Bombay Customs.

INSOLVENT DEBTORS.

NOTICE IS HEREBY GIVEN.

THAT MUDDONJEE JADOWJEE, now a prisoner in the Jail of Bombay, and lately residing near the Bazar Gate within the Fort on the Island of Bombay, General Merchant, has filed in my Office a Schedule of his debts, containing the descriptions of the several persons to whom such debts are owing; with an account of all the Estates and Effects &c. which can be made available for the benefit of his Creditors, and a statement of the names and places of abode of the persons from whom any debts are owing to him.

All persons indebted to the said MUDDONJEE JADOWJEE, or who may have any effects belonging to him, are hereby required forthwith to pay or deliver the same to ALEXANDER FERRIER Esq. the Common Assignee.

JOHN CAW.
Clerk of Court.

No. 10 RAMPART ROW,
12*th June* 1829.

محکمهٔ مد یونان نادار
ازیذجا خبرداده میشود کہ
مدن جي جادوجي ﭐ الحال در
محبس مني است وقبل ازین درون
قلعه جزیرهٔ مني قریب دروازه
بازار مسکون وسوداگر مشهور
بوده در آفیس من مثبوت است
و فرد دین او متضمن دفتر دین
برمرد مان با حساب املاک و
اموال است می باشد و بوجه
خوب نفع داییان او کرده آید و
زبان بندي اسامي و اماکن اشخاص
داییان کہ دین کدام کس بر
اوست گردیده
تمام قارضان مدن جي جادوجي
مذکور یا کسانیکه ملک او بدست
مید ارند ازین جابراي اداي حکم
کرده یا بہ الیک زندر فریرا
اسکویر سپرده آید کہ نایب این
امر اند
جان کا
کلارک

نمبر ۱۰ اراه فصیل
۱۸ ماه جون سنه ۱۸۲۹

દીવાલીઆ • દેવાદરો *

ખબર • જીઆંથી • આપીમેયજે *

મદનજી • જાદવજી • હાલ • શ્રી • મુંબઇની જેલમી • બંધવીછે • તથા • શ્રી • મુંબઇની • કોટ મા • બજાર • ગેટનાં • દરવાજા • આગલની • રેહ્ નાર • મોટી • વેપારી • એ • માણીમે • પોતાનુ • દેવુ • કટલુછે • તથા • જે • લીકીનુ • દેવુછે • તેની • બીના • પોતાનાં • માંગનારાઓનાં • નપ્રાશારૂ • પોતા ની • શરવે • મીલકત • તથા • અશબાબની • જીશા ખ • તથા • જે • લીકો • ઉપર • માંગણુંછે • તેનુ • નામ • નીશાન • તથા • રેહેવાનુ • ઠીકાણુ • શિર વે • જમાદદાશત • મારી • આપીશપ્રાં • નોમીછે *

શરવે • લીકો • એ • ઉપર • કહેલા • મદનજી • જાદવજીનાં • દેવાદાર • હોમે • અથવા • તેની • મ શકેમાંમત • મુરાવત • હોમે • તે • લીકીને • જાહેર કરીમેયજે • ઉનાવલેથી • મલેકજંડર • ફ્રેરીઅર • ઇશકુમેર • કાંમત • અશાઈનીને • દેવુ • હોમે • તે આપે • તથા • અશકેમાંમત • હોમે • તે • વાલે કરે *

જાંન • કા •
નંબર ૧૦ મી • રાંમપારટ • રી • કલારક
તા ૧૮ મી • જુન • શને ૧૮૨૯ *

नादार दणेदार
खबर दिल्हि जाते ऐसि
जे मदनजी ज्यादवजी हालि
मुंबइ येथिल तुरंगांत बंदिवान
व मुंबइ येथिल कोटांत बाजा
रचे दर्वाज्याजवळ राहाणार ह
रउदमी याणे आपणास कर्ज कि
ति व ज्यां लोकांस कर्ज देणे

INSOLVENT DEBTORS.

त्यांची नावनिसिची तपसिल्वार याद व आपल्यास कर्ज देणारे यांस उपयोग होउं शकेल असि आपली मिळकत व वित्तविषय याचा हिशेब व आपणास लो कांकडून कर्ज येणे त्यांची नाव निसि व राह्याचे ठिकाणाची या द आमचे आफिसांत दिल्हि आहे

सदरहू मदनजी ज्यादवजी याचे रुणी व ज्याजवळ त्याचा हरयक ।वषय असेल त्याहिं तो आलेकझान्डर फेरया साहेब बा हादुर कामन आसैनियांस त्व रित यावा

ज्यान् का
क्लार्क

नंबर १० वा राम्पार्टरोव्
ता।। १८ वि, जुन १८२९

IN THE MATTER of the last will and Testament of HENRY ADAMS Esquire, late a Captain in the Military Service, of the East India Company, on their Bombay Establishment, deceased.

APPLICATION having been made to the Supreme Court of Judicature at Bombay, that Probate of the last will and Testament, of HENRY ADAMS Esquire, late a Captain in the Military Service of the East India Company, on their Bombay Establishment, deceased, may be granted to JAMES FORBES, of Bombay Esquire, one of the Executors named in and appointed by the said last will and Testament, (reserving the rights of the other Executors therein named until they shall pray for the same,) all persons concerned therein are hereby apprized thereof—Dated this 20th day of June 1829.

C. A. WEST.
PROCTOR.

FOR SALE, at the Gazette Office, a few copies of the Trial of

CAPTAIN J. BETHAM,
H. C. MARINE,
PRICE RUPEES 5.

For Freight & Passage

TO THE
ISLE OF FRANCE
OR
LONDON,
THE FAST SAILLING SHIP
ROYAL GEORGE, A. I.
500 TONS,
Capt. Robert Embleton,

TO Sail about the middle of July. Her accommodations for passengers are of a superior description, and she carries a Surgeon of the Royal Navy. Apply at the office of Messrs. LECKIE AND CO.

Bombay, 24th June, 1829.

For Freight or Passage

TO THE
CAPE OF GOOD HOPE
AND
LONDON;
To Sail positively on the 1st August.
THE FIRST CLASS SHIP
LADY FEVERSHAM,
OF 550 TONS
STEPHESON ELLERBY,
COMMANDER.

THIS Ship has superior accommodation for Passengers and carries an experienced Surgeon; for further particulars apply to Captain ELLERBY at Messrs. RANKEN and SAUNDER'S Office.

Bombay, 24th June, 1829.

For Freight & Passage

TO
MADRAS & CALCUTTA.
THE SHIP
WILLIAM WILSON
CAPTAIN BURCHETT.

TO Sail in 5 days. Apply to the CAPTAIN on board, or to
RITCHIE FINLAY AND Co.

Bombay, 24th June, 1829.

BOMBAY.

ARRIVALS AND DEPARTURES.

ARRIVALS.—Asst Surgn. Dan. Stewart.
Capt. W. H. Waterfield,
Lieut. E. P. De L. Hoste, 16th Regt.
Capt. John Fawcett, 6th Regt.
Lieut. E. W Cartwright, 23d Regt.
Ensign J. Sinclair, 23d Regt.
Asst. Surgn. T. W. Graham, 4th Regt.
DEPARTURES.—Lieut. Davidson.

SHIPPING REPORT.
BOMBAY.

ARRIVALS.

JUNE 22d.—Barque Discovery, John Gordon, Master from Bushire, left Bushire June 5th and touched at Muscat,—The Ship Oscar J. Beattie Master, was wrecked under the High land of Ganka, South of Ras el had, and the Cargo and property plundered by the Bedouin Arabs.

Passengers per Discovery.—Capt. Beattie, late Master of the Oscar, and Mr. Walker 1st. Mate of Do.

DEPARTURES.

JUNE 23d.—Barque Fortune, John Gilkison, Master to Greenock.

Passengers by Fortune.—Major Graham, and Mr. John Graham.

SHIPS LOADING.

ENGLISH.—Eliza for London; Fletcher for London; Bannerman for China; Sir Charles Malcolm for China; Cumbrian for China; Caledonia for China; H. C. Hereforshire for China; Buckinghamshire for China; Duke of Sussex for China; Isabella for Colombo, Runnymede for Calcutta; Milford for Calcutta; Elizabeth for Mauritius; Samdany for Malay Coast; Shaul Hamed for Malay Coast; and Lady Feversham for London.

LIST OF SHIPPING IN THE HARBOUR.

H. C. SHIPS—Herefordshire, Buckinghamshire Duke of Sussex, and General Kyd.
FREE TRADERS—Cumbrian, Eliza, Fletcher, Janet, Fortune, Runnymede, Lady Feversham, Rifleman Royal George and Hutton.
COUNTRY SHIPS.—Bannerman, Milford, Carron, Glenelg, Caledonia, Samdany, Shaul Hamed, Sir Charles Malcolm, Elizabeth, Bombay Castle, Isabella, Asia Felix, and Discovery.
FRENCH.—La Cecilia, Pallas, and Deligence
ARAB—Monsory
H. C. CRUIZERS.—Ternate, Palinurus, Nautilus, Coote, Elphinstone, Tigris, and Thetis.

DOMESTIC OCCURRENCES.

BIRTHS.

None.—

MARRIAGES.

None.—

DEATHS.

Drowned near Kolnar, on the 3d of March last, Lieut G. D. Wilson, of the 25th Regiment N. I. youngest Son of the late Major General S. Wilson. of this Establishment, aged 21 years.

ORIGINAL.

"Vanitas vanitatis atque omnis est vanitas,"

I never sighed to live; (nor feared to die)
The World was e'er a dreary one to me,
Still gloomier now grows each gay scene I spy,
The grave alone looks pleasant unto me.

For there our toils and troubles all have end,
Not Slanders tales can there the ear molest,
No skulking foe comes there, nor mere lip friend,
Who sleep the sleep of death in quiet rest.

As the faint traveller journeying to his home
The more he nears it, more impatient grows
So I each day more anxious wish my Tomb,
And pant more quickly for my struggles close.

Exchange &c.

On London, ...at 6 months sight 1 | 9
Bengal, ...at 30 days sight, 107½. per 100
Madras, ...at 30 days sight, par.

BAZAR VALUE OF COMPANY'S PAPER.

Remittable notes 136 Bombay Rs. per 0 | 0 Siccas.
Unremittable do. 106 do. per 0 | 0 do
Notes of the present 5 per Cent. Loan opened at Bengal on the 18th August 1825, selling at 108 B'by, per 0 | 0 Siccas.

PRICE OF BULLION.

Spanish Dollars.....100 per 220 B'by Rs.
German Crowns.....100 per 212½ Ditto.

FREIGHTS.

London.....Per Ton, £1 | 10
China,..... Per Candy, Nominal.

THE GAZETTE.

BOMBAY.

WEDNESDAY, 24TH JUNE, 1829.

The only arrival we have to announce since our last is the Barque DISCOVERY from Bushire on Monday the 22nd Instant. Her Report as will be seen announces the total Loss of the Ship OSCAR. We have for the present avoided laying before our readers, any of the current rumours relating to this unfortunate event, as we have been promised a full and authentic account of all the particulars, when the necessary investigation shall have taken place.

On Monday Evening the 15th Instant the Monsoon set in, and during the whole of last week there was heavy rain accompanied by Thunder, Lightening, and occasionally high Winds. The Pluviometre on the morning of Monday the 22nd Instant indicated a fall of 20 Inches of rain from the Evening of the preceeding Monday. The atmosphere has acquired a humidity very unusual at this early period of the monsoon. The temperature has been variable sometimes fluctuating from 65 to 82 of Farenheit within a few hours. The sudden change in the weather we are happy to observe has not been attended with any sickness, on the contrary we learn that some individuals who had been indisposed during the hot wheather, have been much benefited by the change. The Cultivators are now very busy in the Batty fields preparing the ground for a rice Crop. In several instances where plots of rice where early sewn, the young sprouts are several Inches above ground, and may very early be transplanted. Every kind of grain &c. we rejoice to say continues plentiful, and at moderate prices in the Bazars.

It is not far back since our Cotemporary edified us with *his* notions regarding a renewal of the Company's Charter. According to his account, it is the only means of protecting us from wicked and cruel Governors, flagitious Secretaries and we dont know what not else. This certainly appeared to us a surprising discovery. That the Gentlemen whose conduct the Courier is so well satisfied with *now*, should all of a sudden, from the mere circumstance of becoming Servants of the Crown, undergo so dreadful a change of character was a discovery most justly reserved for *him* who made it. Our Cotemporary does not condescend to enlighten us, as to the process by means of which this metamorphosis of disposition is to be effected; though this of course he *can* easily, and no doubt will, when he finds comprehensions adapted to his reasonings. But, mercy on us! the perverse people every where, who are so restless, and so anxious for this to be dreaded change, will we fear, in the interim, have completed their mischeivous work. The following from THE HARKARU of the 3rd Instant will we think bear us out in this anticipation.

"The following letter addressed to a gentleman in this City will be read with interest by all who participate in the views of its highly respectable and amiable writer:—

Liverpool, 1st Mo. 16*th*, 1829.

"MY DEAR FRIEND,—Knowing that my friend Robert Benson has written thee very fully on subjects connected with the Mission of our mutual friend John Crawford to this Country it has seemed less necessary for me to write to thee. Thou wilt have been so fully informed of all J. Crawford's labours that I need not repeat them. His work on Colonization and Free Trade to India seemed so very important and so well suited for general circulation at this time, that he was recommended to publish a second edition of a large number of copies in a cheap form for general distribution, in which work I believe he is now engaged.

"Thou wilt have heard of the application for leave to import Teas under the provisions of the Company's Charter and that this application was refused on the ground that it had been prohibited by Acts of Parliament all passed subsequent to the last Charter and one of them in last Session. This is a very [illegible] business, the Company cannot claim this as being a bargain or any part of their bargain with the Country, on the contrary their right to tax the Country more than two millions per year is only founded upon Acts of Parliament which have really nothing to do with the Charter of the Company. I trust we shall be able to make a good handle of this in a contest which is just opening. During last week James S. Buckingham has been here delivering Lectures on the Eastern World. The object of which was to call the attention of the people of this Country to the system of Indian Government and the vast Commercial advantages which would be reaped by a Free Trade to India and China. He was wonderfully successful in making a very great sensation, and as he proposes going to other parts of the Country; I trust he will have similar success in other places. A requisition to the Mayor to call a public Meeting to take into consideration the best means of removing the prohibitions under which our Trade with the East labours, in consequence of the Company's Charter, has been numerously and respectably signed. I have no doubt Petitions to Parliament to prevent the continuance of the Company's Monopoly will be one of the measures decided upon, and I trust another object of the Petitions will be to repeal those Acts which have been passed subsequently to the Charter, and which have taken away the safeguards to the Country which have existed ever since the time of George 1st. and these too [illegible] away without either bargain or equivalent, and a power which the Company never before enjoyed has thus been transferred to them.

"Such vast interests are involved in this great question that I trust we shall all feel the importance

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of the object we have in view and persevere until [illegible] object is accomplished—we shall need all the help that you can give us and I trust this will not be withheld. Amongst the rest, I hope J. Crawford will continue to be constituted your Agent: he will be of most essential service to the cause. Whether we look to the vast commercial advantages or the improvement of so large a proportion of the human race as is involved in it we cannot fail to be deeply impressed with its vast importance and I trust all our exertions will be commensurate.

I am, thy Sincere Friend,
JAMES CROPPER.

The Meeting to which Mr. Cropper adverts, as our readers are aware, was held and an account of its proceedings has appeared in these pages. The result fully corresponded with the anticipations of the most sanguine friends to the cause and although it may suit the views of some of its opponents to believe that an impression has been or likely to be made on the public mind in England, we have sufficient evidence of the reverse.

A contemporary Paper chuckles very much in the idea of a writer in the *Edinburgh Review* having admitted that he is in course of training and preparation on the question of the charter. Notwithstanding the modesty of this admission however, it will be found that whenever in the course of his analysis of Mr. Crawford's new work, the reviewer has offered opinions of his own they are distinguished by sound sense and display more acquaintance with and reflection upon the subject, than is ever to be found in the writings of those, who pique themselves on experience and writ in the true Sir Oracle "I've seen and sure I ought to know" [illegible] of which vapid and dictatorial [illegible] would refer to the article on the [illegible] in the *Quarterly*. As the review in *Edinburgh* on the second pamphlet on the Trade and Colonization of India is short, it shall enable our readers to judge of it for themselves and have therefore commenced the republication of it to-day, and shall conclude it if possible to-morrow.

In the portion we now insert, we would more especially direct the readers attention to the account given of the measures of the Company to secure a monopoly of the cultivation of Malwah Opium in the ceded districts, the £700,000 seventy laks of Rupees expended in this manner; this is one among the causes we suppose, which have produced the expediency on which the *Bombay Courier* so complacently dwells, of the half batta reduction and other clippings."

The Machinery in the NEW MINT being now completed, we learn with much gratification, that measures are in progress for a new coinage in Gold, Silver and Copper: but as it is intended the Coin at Bombay and Calcutta, shall be the same, some time must elapse yet, before the subdivisions of the different Coins are fixed by the local Governments.

STEAM VESSELS.—In our paper of Wednesday we noticed the return of the Hon'ble Company's Steamer TELIKA to the Madras Roads. She had reached Trincomalee, but was unable to weather Point de Galle. After sustaining considerable damage, and being in danger of being driven on a *lee shore* she put back and will not, 'tis said, again attempt to reach this Harbour, till after the severity of the monsoon. THE ENTERPRIZE Steamer was not more fortunate, she too returned to Madras after reaching Point de Galle, and reached it on the 31st Ultimo, with her Steam apparatus partially injured, but will remain there we understand no longer than to refit and take in a supply of fuel, so she may be early expected.

From the Mercury.

Saturday last being the first day of term the criminal trials were suspended for a short time to enable Mr. Justice GRANT to hear a few motions, after which the term was adjourned.

G. C. IRWIN Esq. has been appointed to act as Advocate General pending the arrival of Mr. DEWAR'S successor.

SUPREME COURT.

WEDNESDAY, JUNE 17TH 1829.

The following is the address delivered to the Grand Jury by SIR JOHN PETER GRANT.

GENTLEMEN OF THE GRAND JURY.

I think it necessary to commence what I have to address to you upon the present occasion by explaining why the Sessions were postponed beyond the usual time, and why it has been determined to hold them now.

This will require me to go some way back in the history of the proceedings which have taken place, and to repeat many things which you probably have heard before. I will do this as shortly as I can, and in a manner as much divested of technicality.

It is very important that all proceedings of Courts of Justice should be publick. It furnishes on the one hand a due and wholesome controul upon the Judges, and on the other the best means of keeping up the confidence of the people in the Courts, and of making them acquainted with the laws and the course of justice. But while it is for these reasons his duty to seek *publicity*, a Judge who seeks *popularity* is as corrupt as one who seeks to render himself acceptable to persons in power. He cannot do his duty unless he be quite indifferent to both, thus becoming at once the best support of the Government, being their surest protector against the consequences of their own errors, the danger of all others against which all Governments require the most protection; and the best protector of the people against oppression, frequently unintentional and requiring only an impartial person of due authority to show it to be contrary to law to stop and put an end to it. I believe—and all history shows—that *misgovernment* is very frequent—but I believe the *desire to oppress* is much less frequent than is supposed under any form of Government, perhaps as infrequent in arbitrary as in popular Governments. When oppression proceeds from the Government itself it is generally the effect of some violent passion at the moment to which popular Governments are as subject as despotick. When it proceeds, as is the general case, from the officers of the Government, it does not appear that popular Governments are much more careful to controul the private oppression of their officers at a distance than arbitrary Governments. Popular Governments are generally thought to oppress their distant Provinces even more than arbitrary ones. The Government of the Roman Provinces under the republic was the most oppressive we know of, except unhappily that of the British Provinces in India some 60 years ago.

If we examine what it is that controuls this tendency to oppression in all Governments, arising from the natural disposition and condition of mankind, we shall find that it is a fair, a steady, and an impartial Administration of the Law by independent Judges. It is this which has secured the happiness and astonishing prosperity and power of England. The Supreme and uncontroulable authority of the Law has always been the favourite of English men, the independence of the Judges that of which they were the most jealous; the violation of it that the most abhorent to their principles and their feelings. It is this independent administration of Justice that has done so much for the possessions under the British Government in India, which, far back as they still are, speaking generally, in civilization and wealth, greatly further back in both respects than people in Europe are aware of, has placed their happiness, the security of person and property among their native inhabitants, their means of becoming civilized and wealthy, and improving in moral character, and the safety of the Government itself, on so different a footing from what they formerly rested on under the different Governments which preceded that of Englishmen.

The insuring this independence in Judges is the great practical blessing bestowed by a free constitution. A Government not restrained by popular institutions labours under a moral impossibility of preserving its Judges independent and upright. Not to mention the intrigues of persons in power who obtain the ear of the Government and are suffered to proceed in a course of corruption, the restraints of a rigid adherence to the Law appear inconvenient to the Government itself. There is a constant disposition in those at the head of it to make the general rules of Law and right yield to immediate convenience in a particular case, and this will continue to be so while the constitution of the human mind remains the same. This is what they call *considerations of Civil Government and state policy*, as if a strict adherence to the Laws and an unbending administration of justice were not the first considerations of Civil Government, or as if it had been introduced and established among mankind for any other purpose; and as if state policy, if it mean something different from this, were any thing else than a cant phrase for pursuing the most dishonest ends by the most contemptible means; for substituting, in administering the affairs of a nation, the morals and the ingenuity of a sharper for the philanthrophy and sagacity of a statesman.

But they are not always the wisest, and I fear they are as seldom the honestest of mankind, who are intrusted with the Government of nations; and it is much easier to men of limited capacity and selfish character to carry into effect unconnected measures, which set general rules of law at defiance, than to rear a great and connected scheme of policy, which shall embrace every consideration of good Government permitting none to clash, or to impede the course one of another and especially without forgetting that which is the greatest—the sacred observance and unlimited influence of the Laws, regarding Justice and those who administer it as a third and independent order in the state, besides the Governors and the Governed, to be equally reverenced by both.

The civil and military Government of the Provinces of British India being vested in Officers, who though they cannot execute any orders but such as are approved by the King through his commissioners of the board of Controul are yet appointed by a Select Body elected by the corporation of the East India Company in whose name all orders relating to the Government of the Provinces are issued, the Governors being approved by the King, but none of them commissioned by the King or representing him; the establishment of Judges in these Presidencies directly commissioned by the King & representing him, has often appeared to me an institution framed on admirable principles, and calculated to secure to these countries, as far as its influence extends, that most beneficial consequence of a free Government, an independent administration of justice, and thus to extend to Hindostan, though the General superintendence of the administration of Justice and the particular distribution of it over certain classes of persons in these territories by the King's Judges, much of the most valuable fruits of our native freedom, where circumstances render it impossible to introduce political freedom itself in the gross; and this without in the slightest degree interfering with the customs and ancient laws of the native inhabitants, but on the contrary bestowing on them the highest security.

This cannot be accomplished without the most perfect independence in the King's Judges, or without their being duly respected by the Officers of Government appointed by the Company, and duly protected, if they shall require protection, by His Majesty and by Parliament. But, above all, it cannot be unless the Judges take care not to be wanting to their own protection by the sobriety, the honesty, the dignity, and the courage of their character and conduct "*nec quicquam formident quin jus commune audacter libereque dicant*" according to the command handed down to English Judges from Edward the Confessor. [Lambert p. 38.] as those who in the Language of Parliament in later times applied to the Judges "cannot be received for their excuse to say that they durst do or say the law or their intent for doubt of death, because they are more bound by reason of keeping their oath than by the fear of death, or of any forfeiture." [1. H. 4. n. 47.].

And on this subject, as applicable to His Majesty's Judges in India, I cannot do better than quote the words reported as those of a late learned Judge at Calcutta, Mr. Justice Macnaghten, in deciding against the Govt. of Bengal on a question of Habeas Corpus. "I hope" said the learned Judge "Judges of this Court will never be swayed "in their decisions by any respect of persons "nor if, in construing the laws, they find "two roads, pursue that most agreeable or "convenient to men in power, merely because they know it to be so. I trust they "will never, in any case, truckle to the Government, as I fear some Judges have "done." (I believe very few English Judges indeed will be found who have been capable of truckling to the Government either at home or aboard, notwithstanding this fear expressed by that learned Judge. But the learned Judge is said to have proceeded). "If such ever were the case, it would afford a "cloak for every species of oppression. I "would infinitely rather see the Court abolished, for it would then be a nuisance, rather than a protection, to the subject. I "declare I should hope in such a case, to "see a public meeting of the inhabitants "of Calcutta to join in a petition to "Parliament to recall its charter and put an "end to it at once. This Court is Supreme, "and the moment one particle of this supremacy is forfeited, I trust the Court will be "annihilated."

As I have said it is necessary to the usefulness of a Court of justice,—1. That the Court should be conscious of its independence. 2. That the People over whose interests it presides should know and believe it so. Publicity in all its proceedings is necessary to both of these objects. What I therefore address to you is not by way of vindication of the conduct of Court, for neither will you express, nor could I receive the expression of any opinion regarding it; but for explanation merely of what has passed and of what I consider to be the state of the law and the duties of the Court.

On the 15th of July 1828, Mr. Justice Chambers issued a writ of Habeas Corpus ad subjiciendum directed to the Gaoler of the Company's Goal at Tannah in Salsette. The Gaoler's return dated 24th July 1828 stated that on the 8th of January 1828 (i.e, much more than six calendar months before) the Prisoner in the writ mentioned was placed in Goal, and was detained by Even Hamilton Baillie Esq. Judge of the Northern Concan "the cause of the taking and detaining the said Ballajee Hurryram being unknown to me" whereupon the Prisoner was of course discharged.

On the 30th of August 1828 a writ of Habeas Corpus ad subjiciendum was granted by me directed to a native Hindoo residing at Poonah, of somed rank, to bring up the body of a boy, named Moro Ragonath his relation, of considerable fortune, as was said, to whom he was next heir, and whom he was sworn to have in his custody confined in his house for 12 months past without lawful authority, he being a distant relation of the boy and having no lawful right of controul over his person or estate, against the boy's will; to the boy's great distress, to the injury of his health and the danger of his life; his present confinement, he having once escaped from the House, being in consequence of his being captured on his way with some of his relations and friends to Bombay, by troops of the Company under orders of a British subject, the Company's chief civil servant a Magistrate of Poonah, by whose orders he was carried back under a guard to the same house, and there again shut up, guards of the Company being set over the House.

In the matter of this Habeas Corpus the Governor and Council of Bombay appeared by their Counsel, and by leave of the Judge were heard before issuing the writ, to claim the franchise of the Company, as they said, to the exclusion of all writs of the King issued by the Supreme Court running into the territories under their Government beyond the Town and Island of Bombay, directed to any but British subjects, or such as are employed by or in the service of British Subjects. This claim was maintained on the construction of certain clauses in His Majesty's Letters Patent, and in the acts of Parliament. I overruled the objection, and ordered a writ to issue returnable on the 13th of September.

On the 10th of September 1828 a writ of Habeas Corpus ad subjiciendum was moved for in Court to be directed to the keeper of the same Gaol of Tannah on affidavit that a Copy of the warrant of commitment had been refused. The writ was made returnable on the 19th. After some delay a return was made which the Court deemed insufficient, and time was given to amend it, the commitment being alleged to be by the Zillah Court for a crime, but the Court being insufficiently described and the proceedings insufficiently set forth. The Company's Officers refused to amend the return, and the Prisoner was of course discharged. No question was made of the King's Court to issue writs of Habeas Corpus in either of the cases from Tannah Gaol, but its jurisdiction was admitted by the Company's Advocate General who defended their servants. In the first case it was not maintained that the Return was sufficient. In the last case the Return was defended, but the Court thought it insufficient.

Meanwhile the writ directed to Poonah was returned without bringing up the boy, and with a Return obviously insufficient. The Company's Counsel were heard by the Court in Term to argue against the power of the Court to issue the writ, as they had before argued before me on behalf of the Company claiming the Franchise. They did not deny the power of the Court to issue the writ to British Subjects, or to persons in the employ of the Company, or to inhabitants of Bombay, not being British Subjects nor in such employ. The Court took time to consider of their Judgement and pronounced it against the Governor and Council and issued an alias writ delivering their opinions at great length, on the 29th of September.

The employing military force, by those having the sole military and civil Government of the Province where the Court sits to interrupt the service of the King's writ issued by a Court of the King in one single instance would *justify*, and under most circumstances would in my opinion *compel*, the shutting up of the Court till reparation should be made and security afforded. But resistance might be offered by a Provincial Government to the execution of a writ of the King under circumstances which would not render necessary the shutting up the Court. It is not desirable to suggest such cases or to enlarge on the circumstances which might influence the discretion of the Court in a situation always to be deprecated. Such obstruction in such case standing alone would have constituted a case for the grave consideration of the Court as to its conduct. What its conduct would or ought to be in such circumstances it has had no occasion to determine, because it has not been placed in them. It has shown that it considers the ceasing for a time, however short, to discharge its functions, a measure not to be imposed on it by any thing but the strongest necessity; and I do not hesitate to say that if the resistance of the Governor and Council of this Presidency had been confined to the Poonah case it would not have appeared to me necessary to suspend the functions of the Court. Very early in this business I had made up my mind when it came to an attachment that I would direct it to the Governor and Council to execute, so that they might have the whole responsibility, that there might be no risk of violence or actual outrage, and that it might be out of the hands of the Court, unless on a motion against them for not executing the Writ, if the party should be so advised. On the affidavits being read setting forth the opposition offered to the bearer of the Writ I contented myself with ordering them to be transtmitted to the Governor and Council. It is evident that so far I did not look to the shutting up the Court.

But in this position the Court was not permitted to remain, for a letter was addressed to the clerk of the Crown by the Secretary to the Governor and Council in which the Governor and Council gratuitously referred to the obnoxious letter of 3d October and declared that they would adhere to what that letter contained.

An attempt has been all along studiously made to treat the question between the Court and the Government of this Presidency as if it regarded the case of Moro Ragonath alone, the boy confined in the house of his relation at Poonah, and as if this were a case of false imprisonment arising between natives merely, in which no British subject or servant of the Company had any concern.

I have never regarded that case, and I never can regard it, as a case of a wrong committed between natives merely. It was a case in which it was stated on affidavit that this boy was taken and made prisoner by troops of the Company's acting under the immediate orders of a British Gentleman

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high in the Civil service of the Company having I believe the Supreme Civil authority in that District, carried before him, ordered by him personally to be forcibly taken by troops of the Company to the House of a Native, there delivered to the custody of the native, sorely against the will of the boy, and against the will of his nearest relations, the house being guarded by sepoys of the Company under the express orders of the said British born civil servant, and the boy prevented from escaping from his confinement, and all access to him, and communication with him prevented, even of his nearest friends and relations, by the same sepoys of the Company, acting under the orders of the said Civil Officer of the Company. In addition to this it was sworn that the owner of the house had no right or power as guardian or otherwise over the person or property of the boy, consequently there could be no civil or religious usage of the natives and no right or authority of a father or master of a family concerned, but it was a bare naked unlawful imprisonment, as set forth in the affidavits, without authority or right or justification of any sort inflicted by a British subject, by means of persons in the service of the Company, although the scene of the imprisonment was the house of a Native not otherwise in such service.

I cannot, therefore, by any means admit that this was a case of alleged oppression and false imprisonment between natives merely; nor did the decision of the Court to issue the Pluries writ stand on that ground alone in the opinion of one of the two judges who so decided.

But I now found that although Moro Ragonath's case was practically at an end, at least till the determination of his Majesty in Council should be known as to the course to be taken, the Court was of new threatened with opposition to its Process in other cases not then existing, and bearing no resemblance to Moro Ragonath's case, but which might arise at any moment. I therefore thought it necessary myself to address a letter to the Governor and Council of this Presidency, in which I desired to know whether it was their intention to resist by Military force or otherwise the execution of the Writs of the King *or any of them or of any other Process* which the Supreme Court should issue.

Their answer again referred to the letter of 3d October and said that *in regard to other Processes than that in Moro Ragonath's case* they could add nothing to what they had already communicated viz. in the letter of 3d October. It was to be seen therefore what remained in that letter, Moro Ragonath's case and all regarding it being at an end. The Writ of *Habeas Corpus* in that cause had been personally served. The Alias and Pluries which were issued out of Grace and favour to afford the Defendent the means of escaping an attachment, had been prevented from being personally served. But the service had been decreed good service under the circumstances, and the attachment had been issued to the Governor and Council, and nobody could interfere with them in the execution of it. There could be no further resistance to this writ of *Habeas Corpus* for it was exhausted. There could be no resistance to the writ of attachment for it was in their own hands. What remained in the letter of 3d October now reiterated, and gratuitously reiterated was.

1. The desire that the Court should abstain from acts, however legal, which under measures not specified might produce collision with the authority of the Governor in Council and the explicit statement that they would oppose all such proceedings, if not abstained from; as to which I declare that I have not at this moment a notion what acts would be of this description, what those mesures were or are, or what that collision might be.

2. The intimation that the Governor in Council would not permit returns to be made to any writs of Habeas Corpus directed to any officers of their Provincial Courts.

It was therefore the future danger to the Publick Peace and to its own authority involved in its going on under these declarations not the vindication of its dignity from former violation that led the Court to the painful course of abstaining for a time from its functions. Against the contempt cast on it by the terms of the letter of 3d October it thought itself sufficiently vindicated by the proceedings it adppted, and by its Petition to the King, and the opposition offered to the service of the Alias and Pluries writs of Habeas Corpus in Moro Ragonath's case was indeed a further and gratuitous contempt, but was entirely without other consequence; for it could not and did not interrupt, nor very materially impede, the Proceedings of the Court towards its ultimate process of attachment, which, as has been said, it left in the hands of the local government.

On receiving from the local Government here their reiterated declaration after so many months consideration, and after so much discussion of the nature and import of their letter of 3d Oct. that they adhered to the terms of that letter, it became the subject of very grave consideration with me in what manner I should act. I was placed in a situation such as very few persons discharging the functions of an English judge before stood in so far as I know.

A Court going on holding itself out as administering justice, after having received from those having the whole physical force of the country at command, solemn, serious and reiterated declarations—their sincerity being vouched by the offer in one instance of military violence—that they will not permit obedience to be paid to its authority, but in such cases as they shall think fit, without naming all the cases which they will suffer to proceed, or all those whose progress they will by open violence arrest; that they will in all means prevent obedience to its authority in cases of the most importance, not unlikely at any moment to occur, and in which no doubt of its jurisdiction was ever surmised, in cases affecting the liberty of the King's subjects when violated by persons placed under jurisdiction by the express words of the King's charter and the Acts of parliament, where, if the judge were to refuse the process of the court or delay the issuing it he would be liable, and most justly liable, to impeachment, and what were worse he would be perjured, he would betray his duty to his King and to his country, and would cast away from him his honour; and where, if he rejected, as he must, this alternative, and proceeded to issue the process of his Court, the opposition to it must be fraught with consequences beyond all calculation mischievous, of which the degradation of his Court, the dishonour of his King whose sovereign authority it wields, and whose sacred person it represents, and the general loss of all confidence in its power to administer justice would be but a part; a Court, going on under these circumstances, did, when the situation was first placed before me, and does still whenever I consider it, offer a most fearful as well as undignified spectacle to my contemplation.

I determined instantly to claim the protection of the Supreme Government at Fort William, and I thought the suspending the functions of the Court altogether, for to suspend them partially was impossible till I could receive an answer from thence, the lesser evil of the two. I thought the amount of publick mischief was less, I was, and am aware, that my personal responsibility was greater.

My letter to the Governor General in Council was despatched as soon as the necessary copies could be made from the Records to accompany it, and was sent by an Express from the Post Office, which the Governor and Council here obligingly provided at my request on Sunday morning the 5th of April. The answer of the Governor General & Council does not state on what day my letter was received. It ought, as I understand, to have been received in about 12 days i. e. about the 17th of April. Had the answer been despatched in the same manner, it ought to have arrived here at the latest in May, in about a month from the time my letter to Calcutta was despatched. The answer bears date the 15th of May, and it arrived on the 5th of June instant, on the very day two months that my letter had been despatched. Double the time therefore, on which I had a right to calculate, elapsed before I was made acquainted with the determination of the Governor General in Council; and a month has thus been lost for which the Court is not responsible. This is the more to be regretted because there is reason to think from the terms of the letter of the Governor General in Council, that if it had not been delayed, their answer would have been such as might have relieved the fears of the Court relative to an illegal interference with its Process till such time as despatches from England should arrive.

The Governor General and Council say "This (i. e. my) "letter was immediately "followed by one from the Governor in "Council at Bombay explanatory of their "proceedings, and asking a confirmation of "them. Had either of these representations "been made to us at an early period, we "should immediately have consulted the "Judges of the Supreme Court at the Presidency, with the hope of being enabled to "have offered such advice as might have averted the extreme measures which have so "unhappily taken place.

"We beg to be understood, when making "this remark, as not meaning to cast the "slightest reflection on any of the authorities "for the independent exercise of the powers "with which they are vested."

I wish they had consulted the Supreme Court at Calcutta or any Court or Judge of the King in India. I have reason to believe that they would have received an unanimous opinion highly condemnatory of the conduct adopted towards this Court as manifestly and grossly illegal, and this without reference to any question of law which might be involved in any decision this Court had come to.

As it is, the Governor General and Council have declined to interfere on the assumption of its being likely that even before the arrival of their letter in Bombay the orders of the King in Council will have been received. This however is unfortunately not the case, nor when these orders may be received is it possible to form a certain opinion. The Court has received no communication, and all I know privately is that the Ship which bore the Petition of the Court with the relative documents had not arrived in England when the last ship from England sailed. Although that Ship could not be long of arriving, it is quite uncertain when we may be in possession here of the result. It may be before these Sessions are over. It may be a much longer time. Under these circumstances I feel that by the application, I have made to the Supreme Government not in the nature of an appeal, but of a demand of protection, I have done all I can to avoid exposing the Court and the Publick to the dangers attendant on the sitting of a court in ignorance what process it may issue to which obedience can be enforced, and what to which opposition shall be offered by the connivance or by the authority and command of the military Government which is bound by law to aid, assist, and obey it.

On receiving the declinature of the Governor General and Council to interpose, though certainly not in terms approving of the conduct which has been observed towards the court, it has appeared to me that a further suspension of the functions of the Court would be indefinite, and that it only remained for the Court to resume it duties and leave the responsibility for the consequences on those whose conduct will have produced them. This is quite a different question from the former question, when I adjourned the Court, of waiting for an answer from Bengal. The Governor General in Council express a hope that the measure of suspending the powers of the Court may not be persevered in, urging on the Court the consideration that "if in particular cases of more extended jurisdiction and heretofore of rare occurrence the course of justice has been illegally obstructed by a power which the Court has not in itself the means of resisting, with that power alone must the whole responsibility rest." I am glad to be able to comply with the hope herein expressed, and I most gladly accept the opinion with which it is accompanied as an intimation, which indeed I cannot call an assurance but which I think I may regard as conveying an expectation, that an illegal obstruction of the course of justice will not occur again.

In what I have addressed to you I have studiously avoided any discussion of the questions of law. The truth is they have no concern with the infinitely more important question of the contempt and obstruction offered to the Court. Certainly the Judges of this Court were fallible, like all other men—myself most fallible, and in difficult questions of law especially much to liable to Error, and liable, though when I have had time for consideration and for study, perhaps too little, liable to doubt. From our judgement, if deemed erroneous, an appeal lay, if in any case not to the King in Council, then to Parliament, which besides containing many learned men may command the opinions of the 12 Judges of England. But what would be the situation of a Supreme Court of justice, and what would be the situation of the Country where it sat, if instead of these learned and peaceful authorities the appeal might with impunity be made to legal ignorance and to the sword? What would be their situation if the Court were placed under the necessity of regulating its decisions according to the orders of those having at their command the whole physical force of such Country backed by the threat of military resistance to such decisions as should be otherwise pronounced? Those who have none of the powers of a Court of Justice and no authority to make laws would become at once the sole Court of Appeal and the legislature, and the Governor and Council of a Presidency in the East Indies would supersede the King in Council and the Parliament. I do not say that the Governor and Council here intended to produce this as a permanent result—Nevertheless it followed of necessity, if the outrage they offered to the purity as well as dignity of this Court had not met with instant resistance. I do not accuse them of a premeditated usurpation of the highest functions in the state, no particle of which or anything resembling them is conferred on them by law; for I do not know their motives, nor do I pretend to have ever been able to account for what has passed. I impute to them no motives, but I am bound in vindication of the conduct of the Court to state what I saw and knew to be the consequences of their conduct. It may be said that they only intended to exert an influence in those particular cases, and at this particular time, considering them cases of great immediate importance, and that they were to refer home. But if the Judges had done as they appear to have wished,—taken their letter into private consideration, and obeyed its commands though deeming the so doing contrary to law, why should not the same or any future Governor and Council do the like when moved by any motives of conveniency or interest? And what were this but establishing the Governor in Council for the time being a permanent though irregular, and an effectual though unacknowledged, Court of Appeal and Parliament, not the less powerful or formidable that its proceedings were founded in secrecy, and must be rendered effectual by perjury, directing that judgments of the Court should not be executed in cases of one sort which were passed, and should be pronounced as they commanded in cases of another sort which were to come,—effect being given to these their judgments of appeal and enactments by the connivance of the judges in violation of their oaths obtained from time to time as occasion should require by [illegible] private communications made to the judges in their houses, which were not to be noticed in their Tribunal, or made known to the Public. It is impossible to conceive that those consequences were contemplated by the Governor and Council, and yet it is very difficult to see how they could escape the observation of any considerate man; and what were the objects specially set forth in which this influence over the course of justice was desired and what was the effect openly proposed? Nothing more than the total suspension of the writ of *Habeas Corpus* in all cases whatsoever of all persons alleged to be unlawfully imprisoned within any part of the territories subject to this presidency whether British born subjects, Native born subjects, or Foreigners, with the single exception of imprisonments by British Gentlemen and Native Inhabitants of Bombay not being officers of any of the Company's Courts, the two classes of persons least likely to be guilty of unlawful imprisonment.

And as to the reference home;—[illegible] sed that reference nearly a month after the solution of the Government of the President was communicated to the Court and the sending an overland despatch, in such haste that the messenger did not carry authenticated copies of the proceedings? The indignant refusal of the Court to comply with these unlawful commands.

I have already said that the questions of law involved in the decision of the Court in any of the cases I have mentioned have no concern with the greatly more important question of preserving the independence of the Court, against whom indeed enough may be alleged but no charge of corruption has been brought. Yet it is satisfactory to the Court to find that it does not stand alone in any of the judgments it has pronounced, any more than in its opinion of the illegal and oppressive nature of the conduct that has been adopted towards it.

There were two questions of law decided by the Court, or on which the Court had at least declared its judicial opinion; one arising out of Moro Ragonath's case, and though as I think not necessarily disposed of by that case, as not being necessary to support the judgment, yet without doubt so far settled as the deliberate opinions of both the Judges who sat in that case could settle it, viz. The power of the King's Courts in India to exercise the extraordinary Jurisdiction of the Court of King's Bench in issuing the prerogative Writs of the Crown to natives of India not in British Service residing in the Provinces; the other arising out of the Tannah cases viz. The power of the King's Courts to issue writs of Habeas Corpus to Goleirs, and other officers of the Provincial Courts of the Company. To these a third was added by the terms of the Governor and Council's letter of 3d October, viz. The issuing of such Writs to natives of India not residing in Bombay but in the service of the Company, not being officers of their Courts or in the service of their British subjects.

Sir Edward West having unhappily died before any of these questions were stirred there remained 8 Judges of the King's Courts in India, who have had an opportunity of considering those questions in reference to the judicial conduct of the Supreme Court of Bombay. One of my learned brethren was prevented, I am sorry to say, by indisposition from giving an opinion when he received the papers I sent him. There are therefore only 7 Judges in India with whose opinions I am acquainted. Of these 5 opinions are clear upon the first question that the King's Courts in India without any doubt have power to exercise the extraordinary jurisdiction of the Court of King's Bench over all persons, natives as well as others, within the territories subject to the respective Presidencies where they sit, when the exercise of such jurisdiction shall be necessary to justice, always attending to the laws, usages and customs of the Native inhabitants. The whole 7 are unanimous that obedience cannot lawfully be refused, by any officers of Provincial Courts in India, or natives in the service of the Company or of a British subject wheresoever residing within the Territories, to writs of Habeas Corpus so issued. This is treated by all my learned brethren as a matter that had never before been brought in question, and where the practice of the Courts at the other Presidencies has been uniform.

(To be continued.)

☞ *See Second Sheet.*

BOMBAY.—PRINTED AND PUBLISHED FOR THE *PROPRIETORS*, AT THE GAZETTE PRESS, No. 10, MILITARY SQUARE, BY *THOS. RIGBY*,

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